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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/995,486	11/28/2001	Enrique Molina	408-001	1468

7590

07/13/2004

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EXAMINER

VARNER, STEVE M

ART UNIT	PAPER NUMBER
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3635

DATE MAILED: 07/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/995,486	<b>Applicant(s)</b> MOLINA, ENRIQUE	
	<b>Examiner</b> Steve M Varner	<b>Art Unit</b> 3635	<i>NW</i>

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 5/3/04.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-47 is/are pending in the application.
- 4a) Of the above claim(s) 2 and 9-47 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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### DETAILED ACTION

Claim 2 is cancelled.

Claims 9-47 are withdrawn as non-elected restricted claims

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3-8, are rejected under 35 U.S.C. 102(b) as being anticipated by Wepf.

Regarding claim 1, Wepf shows wall molding means (10, 12, 14), including means (10) for vertically disposing laterally spaced wall forming panels. Wepf shows a cavity (between 12, 14) having an upwardly directed top opening (Fig. 1). Wepf shows reinforcement rod suspending means (22) (Col. 5, Line 20-40) including a plurality of grid elements (vertical components of 16, 18) each having a plurality of rods that extend vertically along and substantially parallel to the vertically disposed molding surfaces with each element having a plurality of tie means (10) that are connected to the vertically disposed rods (16, 18) and extend substantially perpendicular to the molding surfaces (Fig. 1, 2) for freely positioning and retaining freely disposed horizontally extending reinforcement rods.

"The grid may be positioned and tied in place by tying the horizontal rods to the vertical rods as required" (Col. 5, Line 40-50). The horizontal reinforcement rods are

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freely disposed in the sense that they may be tied at any location along the vertical rods. The tie means (10) indirectly allow this to occur by positioning the vertical rods.

Wepf shows freely disposed reinforcement rods being disposed (horizontal members of 16, 18) at a plurality of preselected vertical locations and at a preselected horizontal location spaced inwardly from each of the opposed molding surface within the mold cavity, and means for attaching (36, 32, 44, 28, 24, 30, 42, 26) the rod suspending means (22) to the opposed wall forming panels, the rod suspending means being effective to retain the reinforcement rod means (horizontal members of 16, 18) (Fig. 1).

Regarding claim 3, Wepf shows each grid element has a sufficient amount of rigidity.

Regarding claim 4, Wepf shows panels that are portable and means (10) for vertically disposing the wall forming panels (Fig. 1).

Regarding claim 5, Wepf shows the plurality of vertically disposed grid elements (vertical components of 16, 18) are spaced horizontally with respect to each other along the opposed spaced molding surfaces, the reinforcement rods (horizontal components of 16, 18) are horizontally disposed across the plurality of grid elements, and the reinforcement rods extend substantially parallel to the molding surfaces and are laterally spaced with respect to each other between the molding surfaces (Fig. 1).

Regarding claim 6, Wepf shows wall molding means (10, 12, 14) including means (10) for vertically disposing laterally spaced wall forming panels, with the cavity (between 12, 14) having an upwardly directed top opening, reinforcement rod suspending means (22) and means for attaching (24, 30, 42, 26, 36, 32, 28, 44) the rod

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suspending means to the opposed wall forming panels, the rod suspending means (22) being effective to retain the reinforcement rod means (horizontal component of 16, 18), the rod suspending means including a plurality of grid elements (vertical components of 16, 18) that extend vertically along the vertically disposed molding surfaces and between the opposed molding surfaces and each grid element including a plurality of tie members (10) that are substantially perpendicular to the molding surfaces horizontally disposed at spaced preselected vertical locations. The grid elements include rod locating means (vertical components of 16, 18) (Col. 5, Line 40-50).

Regarding claim 7, Wepf shows the rod locating means (vertical components of 16, 18) (Col. 5, Line 40-50) includes a pair of elongated substantially parallel grid rod members (vertical components of 16, 18) extending across the plurality of vertically spaced tie members (10) at each horizontal location between the molding surfaces (12, 14) (Fig. 1).

Regarding claim 8, Wepf shows wall molding means (10, 12, 14) including means (10) for vertically disposing laterally spaced wall forming panels, the cavity (between 12, 14) having an upwardly directed top opening, reinforcement rod suspending means (22) and means for attaching (34, 30, 42, 26, 36, 32, 44, 28) the rod suspending means to the opposed wall, rod suspending means being effective to retain reinforcement rods, the reinforcement rods including at least two elongate rods (horizontal component of 16, 18) each freely positioned horizontally at a spaced inward distance from the opposed molding surfaces and at a spaced outward distance from a centerline located between the opposed molding surfaces (Fig. 1).

***Response to Arguments***

Applicant argues that his horizontal rods are freely disposed.

Examiner maintains that Wepf shows freely disposed horizontal rods (horizontal components of 16, 18). They are freely disposed in the sense that they can be tied to the vertical rods at any location along the vertical rod.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Wilde shows a tie for concrete wall forms. Takemura shows ready mixed concrete placing method and formwork unit used for the method. Barale shows shuttering system for casting concrete walls or partitions, and a method for its assembly.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steve M Varner whose telephone number is 703 308-1894. The examiner can normally be reached on M-F 7:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl D Friedman can be reached on 703 308-0839. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SV



Carl D. Friedman  
Supervisory Patent Examiner  
Group 3600